

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

AMALGAMATED BANK, as Trustee for  
THE LONGVIEW COLLECTIVE  
INVESTMENT FUND, Derivatively on Behalf  
of AMERISOURCEBERGEN  
CORPORATION,

Plaintiff,

v.

R. DAVID YOST, et al.,

Defendant,

- and -

AMERISOURCEBERGEN CORPORATION,  
a Delaware corporation,

Nominal Defendant.

Civil Action No. 04-CV-0972

**FILED**

JAN 04 2006

MICHAEL E. KUNZ, Clerk  
By MAC Dep. Clerk

ORDER

AND NOW, this 3<sup>rd</sup> day of Jan, 2006 upon consideration of Defendants' Unopposed Motion to Convert the Dismissal of This Case to a Dismissal With Prejudice, and, it is **ORDERED** that Motion is **GRANTED**, and the this action is **HEREBY DISMISSED WITH PREJUDICE**.

BY THE COURT:

  
Yohn, J

Mailed: A. Eck  
1-4-06 H. Scher

Faxed: D. Gross  
1-4-06

R. Baron

S. Bizar

T. Manning

W. Lerach